

JP:RTP
F# 2013R01610

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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(Filed Under Seal)

UNITED STATES OF AMERICA

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF AN ARREST WARRANT

- against -

DIANA SHKOLNIK,

(T. 18 U.S.C. § 287)

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ELLIOT MCGINNIS, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about November 4, 2012, within the Eastern District of New York, the defendant DIANA SHKOLNIK made and presented to the Federal Emergency Management Agency ("FEMA"), an agency of the United States, a claim against the United States for payment, which she knew to be false, fictitious and fraudulent.

(Title 18, United States Code, Section 287).

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the FBI, based at the New York Field Office. I have been a Special Agent with the FBI for approximately three years. In the course of my duties, I have been involved in the investigation and prosecution of numerous cases involving false statements made in support of fraudulent claims presented to agencies of the United States government. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and from reports of other law enforcement officers involved in the investigation.

2. FEMA, an agency of the United States Department of Homeland Security, administers relief under the legal authority of Title 44 of the Code of Federal Regulations. Disaster assistance is made available after the President of the United States declares that a major disaster has occurred in a specified area.

3. Assistance to individuals is available under the Individual and Household Assistance Program ("IHP"), which provides grants, funded by the United States Government, to people in the disaster area when losses are not covered by insurance and property has been damaged or destroyed. IHP requires that the disaster assistance applicant was unable to live in his or her primary residence due to disaster-related conditions.

4. To receive assistance under IHP, the applicant must register with FEMA and provide FEMA personnel basic information, such as identifying personal data and the location of the damaged dwelling. The applicant is asked to verify that the damaged dwelling was, in fact, his or her primary residence, as well as provide information concerning the household composition.

5. On October 30, 2012, the President of the United States Barack Obama issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121 et seq., following landfall of Hurricane Sandy on the State of New York. The disaster was identified by FEMA as disaster number 4085-Hurricane Sandy.

6. On November 4, 2012, a FEMA Form 009-0-1 Application/Registration for Disaster Assistance was filed by DIANA SHKOLNIK. The damaged property address was an address known to law enforcement located at Jason Court, Staten Island, New York (the "Jason Court residence"). The Jason Court residence was described in the application as SHKOLNIK's primary residence and current mailing address. The application listed SHKOLNIK and N.S., a person identified as SHKOLNIK's spouse, as occupants of the home.

7. Based on this application, FEMA disbursed \$31,900.00 to SHKOLNIK on or about November 14, 2012.

8. I am informed by a person known to law enforcement ("CI") that CI rented the Jason Court residence from SHKOLNIK between on or about and between June 1, 2012 and May 31, 2014, both dates being approximate and inclusive. I reviewed a lease reflecting these terms, signed by SHKOLNIK as the "Landlord" and CI as the "Tenant." I am informed by CI, in sum and substance and in part, that the Jason Court residence was CI's primary residence when Hurricane Sandy made landfall on the State of New York. I am further informed by CI, in sum and substance and in part, that SHKOLNIK did not reside at the Jason Court address during that time.

9. I am informed by another FBI agent that interviewed SHKOLNIK on


November 22, 2013, stated, in sum and substance and in part, that, during Hurricane Sandy, the Jason Court residence was not her primary residence, but rather a second home that she rented.

WHEREFORE, your deponent respectfully requests that the defendant DIANA SHKOLNIK be dealt with according to law.



ELLIOT MCGINNIS
Special Agent
Federal Bureau of Investigation

Sworn to before me this
17th Day of January 2014



Honorable James Orenstein
United States Magistrate Judge
Eastern District of New York